

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DEVONTA MACDONALD,

Petitioner,

v.

DANIEL CUEVA, Acting Warden,  
California Medical Facility,<sup>1</sup>

Respondent.

No. 2:22-cv-00742-TLN-KJN

**ORDER**

Petitioner, a state prisoner proceeding through counsel, filed this application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 21, 2023, the magistrate judge filed findings and recommendations herein which were served on all parties, and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. Petitioner filed objections to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this

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<sup>1</sup> The current Acting Warden of the California Medical Facility is Daniel Cueva, who is substituted as respondent in this matter. Fed. R. Civ. P. 25(d); *see Brittingham v. United States*, 982 F.2d 378, 379 (9th Cir. 1992).

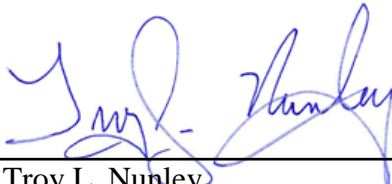
1 Court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the  
2 Court finds the findings and recommendations to be supported by the record and by proper  
3 analysis.

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. Current Acting Warden Daniel Cueva is substituted as respondent;
- 6 2. The findings and recommendations filed August 21, 2023 (ECF No. 13) are  
7 ADOPTED IN FULL;
- 8 3. Petitioner's application for a writ of habeas corpus (ECF No. 1) is DENIED;
- 9 4. The Court declines to issue the certificate of appealability referenced in 28 U.S.C.  
10 § 2253; and
- 11 5. The Clerk of Court is directed to close this case.

12 Date: September 7, 2023

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Troy L. Nunley  
United States District Judge